

UNITED STATE DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

ZION TREADWELL,

Petitioner/Plaintiff,

For a Judgment pursuant to CPLR Art. 78 and 42  
U.S.C. § 1983

vs.

THE STATE UNIVERSITY OF NEW YORK  
BUFFALO STATE UNIVERSITY a/k/a THE  
STATE UNIVERSITY OF NEW YORK  
BUFFALO STATE COLLEGE; STUDENT  
CONDUCT AND COMMUNITY STANDARDS  
OFFICE OF STATE UNIVERSITY OF NEW  
YORK BUFFALO STATE UNIVERSITY; NINA  
G. PERINO, in her individual and official capacity  
as Associate Director of Student Conduct;  
STEVEN CAHOON, in his individual and official  
capacity as Investigator with the University Police  
Department at State University of New York  
Buffalo State University; JOHN DOE(S), in his  
individual and official capacity as Board Member  
of Buffalo State Student Conduct Board; and JANE  
DOE(S), in her individual and official capacity as  
Board Member of Buffalo State Student Conduct  
Board.

Respondent-Defendants.

**NOTICE OF REMOVAL**

Case No. 24-cv-150

**PLEASE TAKE NOTICE** that Respondents/Defendants The State University of New York Buffalo State University a/k/a The State University of New York Buffalo State College (“SUNY-Buffalo State”); Student Conduct and Community Standards Office of State University of New York Buffalo State University (“Conduct Boards”), Nina G. Perino, and Steven Cahoon (the “State Defendants”), by their attorney Letitia James, Attorney General of the State of New

York, Daniel R. Maguire, Assistant Attorney General, of counsel, hereby remove the New York State Supreme Court action currently pending in Erie County designated as *Treadwell v. The State University of New York Buffalo State University, et al.*, Index No. 801516/2024 (Sup. Ct. Erie Cnty.) (the “State Court Action”) pursuant to 28 U.S.C. §§ 1441 and 1446 and Fed. R. Civ. P. 81.

1. On January 30, 2024, the Plaintiff filed his Verified Petition/Complaint (with exhibits) and Notice of Petition with the Erie County Clerk. Pursuant to 28 U.S.C. § 1446(a), a copy of the Verified Petition/Complaint (with exhibits) and Notice of Petition are attached as **Exhibit A**.

2. Plaintiff’s lawsuit seeks to, among other things, annul a determination by the Conduct Board finding Plaintiff responsible for non-consensual sexual contact and disruptive behavior.

3. In the Verified Petition/Complaint, Plaintiff asserts five separate Section 1983 causes of actions based upon alleged violations of the Fifth, Sixth, and Fourteenth Amendment. (Compl. ¶¶ 65-104). Plaintiff also asserts an Article 78 cause of action challenging the Conduct Board’s finding of responsibility as arbitrary and capricious, an abuse of discretion, and not supported by substantial evidence. (*Id.* at ¶¶ 61-64).

4. On or about February 6, 2024, Plaintiff served the Verified Petition/Complaint and Notice of Petition on the State Defendants.

5. A copy of the filings from the State Court Action are attached. Specifically, in addition to the Verified Petition/Complaint (with exhibits) and Notice of Petition attached as Exhibit A, attached are: (1) RJI-Re Notice of Petition attached as **Exhibit B**; Addendum-General (840A) attached as **Exhibit C**.

6. Because the Verified Petition/Complaint alleges violations of the Section 1983 and the United States Constitution, removal of the State Court Action is proper under 28 U.S.C. §§ 1331, 1441, and 1446.

7. The State Court Action is pending in a state court geographically located within the Western District of New York. Therefore, venue and removal to this Court is proper under 28 U.S.C § 1446(a).

8. The State Defendants shall give written notice of the removal of the State Court Action to Plaintiff promptly and shall file such notice with the Clerk of the Supreme Court of the State of New York, County of Erie, as required by 28 U.S.C. § 1446(d).

9. This office represents the State Defendants in the State Court Action, who consent to removal of this action.

10. The State Defendants expressly reserve their right to answer or move to dismiss the Verified Petition/Complaint, reserve all available defenses, and deny any liability.

11. Based on the above, the State Defendants hereby remove the State Court Action to the District Court for the Western District of New York.

Dated: February 16, 2024  
Buffalo, New York

LETITIA JAMES  
Attorney General of the State of New York  
Attorney for Defendants

BY: /s/ Daniel R. Maguire  
DANIEL R. MAGUIRE  
Assistant Attorney General, of Counsel  
Main Place Tower, Suite 300A  
350 Main Street  
Buffalo, NY 14202  
(716) 853-8400  
[Daniel.Maguire@ag.ny.gov](mailto:Daniel.Maguire@ag.ny.gov)

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Respondent-Defendants.

**CERTIFICATE OF SERVICE**

Case No. \_\_\_\_\_

I hereby certify that on February 15, 2024, I electronically filed the foregoing Notice of Removal with the Clerk of the District Court using its CM/ECF system, and mailed a copy of the Notice of Removal by U.S. Mail, first class, postage prepaid to Plaintiff at the following address:

RUPP PFALZGRAF, LLC  
R. Anthony Rupp III, Esq.  
1600 Liberty Building  
Buffalo, New York 14202  
[rupp@ruppfalzgraf.com](mailto:rupp@ruppfalzgraf.com)

Dated: February 16, 2024  
Buffalo, New York

LETITIA JAMES  
Attorney General of the State of New York  
Attorney for Defendants

BY: /s/ Daniel R. Maguire  
DANIEL R. MAGUIRE  
Assistant Attorney General, of Counsel  
Main Place Tower, Suite 300A  
350 Main Street  
Buffalo, NY 14202  
(716) 853-8400  
[Daniel.Maguire@ag.ny.gov](mailto:Daniel.Maguire@ag.ny.gov)